

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LUIZ CARLOS DA COSTA-ALVES,)
Petitioner) 2004 FTB -4 P 44
v.) Civil Action No.
BRUCE CHADBOURNE, DIRECTOR OF) 04cv10224-JLT
IMMIGRATION AND CUSTOMS)
ENFORCEMENT,)
Respondent)
DHS OFFICE

MOTION TO DISMISS

Respondent¹ moves to dismiss this action pursuant to Fed. R. Civ. P. rule 12(b)(6) for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

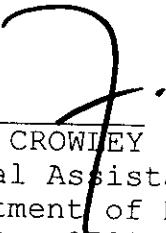
By:

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¹ As of a DHS restructuring effective June 9, 2003, the responsive successor official of the Department of Homeland Security having control of petitioner's former immigration custody in the instant action is Bruce Chadbourne, Interim Field Director for Detention and Removal, Bureau of Immigration and Customs Enforcement ("ICE") in Boston, Massachusetts.

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon counsel for petitioner by mail on February 4, 2004.


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